

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

ANTHONY RUCANO,

Defendant-Appellant.

ORDER WITH NOTICE OF ENTRY

Richmond County Ind. No. 270/2009

Appellate Division No. 2011-01960

PLEASE TAKE NOTICE, that the within is a true copy of the Decision and Order dated April 12, 2017, that was entered with the Clerk of the Court named herein.

Dated: April 25, 2017
Staten Island, New York



Alexander Fumelli
Assistant District Attorney

To: Anthony Rucano
11A0528
Great Meadow Correctional Facility
P.O. Box 51
Comstock, NY 12821-0051

**Supreme Court of the State of New York
Appellate Division: Second Judicial Department**

D51848
G/htr

_____AD3d_____

WILLIAM F. MASTRO, J.P.
CHERYL E. CHAMBERS
SHERI S. ROMAN
HECTOR D. LASALLE, JJ.

2011-01960

DECISION & ORDER

The People, etc., respondent, v Anthony Rucano,
appellant.

(Ind. No. 270/09)

Anthony Rucano, Comstock, NY, appellant pro se.

Michael E. McMahon, District Attorney, Staten Island, NY (Morrie I. Kleinbart and Alexander Fumelli of counsel), for respondent.

Lynn W. L. Fahey, New York, NY (A. Alexander Donn of counsel), former appellate counsel.

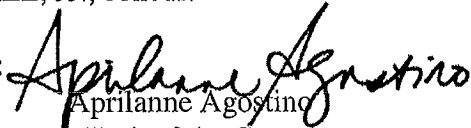
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated July 1, 2015 (*People v Rucano*, 130 AD3d 656), affirming a judgment of the Supreme Court, Richmond County, rendered January 21, 2011.

ORDERED that the application is denied.

The appellant has failed to establish that he was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

MASTRO, J.P., CHAMBERS, ROMAN and LASALLE, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

April 12, 2017

PEOPLE v RUCANO, ANTHONY

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AFFIDAVIT OF SERVICE

Richmond County Ind. No. 270/2009

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STATE OF NEW YORK)
COUNTY OF RICHMOND) ss.:

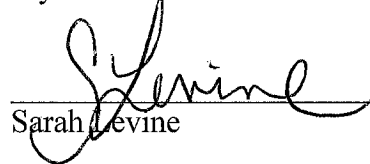
Sarah Levine, being duly sworn, deposes and says:

1. I am over 18 years of age and am employed by the Richmond County District Attorney's Office, 130 Stuyvesant Place, Staten Island, New York.

2. On April 25, 2017, I served the Order with Notice of Entry on the above-captioned case by mailing one true copy of it, enclosed in an envelope, addressed to the individual at the address shown below:


Anthony Rucano
11A0528
Great Meadow Correctional Facility
P.O. Box 51
Comstock, NY 12821-0051

Into a repository, at the intersection of Stuyvesant Place & Hyatt Street, Staten Island, NY, maintained by and under the exclusive care and custody of the United States Postal Service.


Sarah Levine

Sworn to before me this
April 25, 2017.

Notary Public


OLGA D'ALESSIO
NOTARY PUBLIC-STATE OF NEW YORK
NO 01DA6327821
QUALIFIED IN RICHMOND COUNTY
MY COMMISSION EXPIRES 07-20-2019

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Richmond County Ind. No. 270/2009

Appellate Division No. 2011-01960

**MICHAEL E. McMAHON
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130 Stuyvesant Place
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(718) 556-7146**

**Alexander Fumelli
Assistant District Attorney
Of Counsel**